

Supplemental Amendment Under 37 C.F.R. § 1.114(c)
Serial No.: 10/799,888
Sughrue Ref: Q79842

REMARKS

This is intended to supplement the preliminary amendment filed on May 26, 2006. In that regard, the Examiner is respectfully requested to ignore the remarks contained in the Preliminary Amendment in favor of the following remarks.

In the Preliminary Amendment, Applicant amended claim 1-5 and 7 and added new claims 9-17. Claim 11 is in independent form; claims 9, 10 and 17 depend from claim 1; and claims 12-16 depend from claim 11.

In the Final Office Action of September 29, 2005, the Examiner rejected claims 1, 2, 6 and 7 under § 1029(b) as being anticipated by Stahlecker (U.S. Patent No. 6,230,472). The Examiner also rejected claims 3-5 under § 103(a) as being obvious over Stahlecker. For the following reasons, it is respectfully submitted that independent claims 1 and 11, and their respective dependent claims, patentably distinguish over the cited art.

As amended, claim 1 is directed to a capping head device which includes a casing having an end mouth designed to fit on the bottle or containers so as to define a closed chamber therewith, a capping head disposed within the chamber and means for connecting the closed chamber with a vacuum source. Further, claim 1 recites that the capping head directly contacts the cap so as to apply the cap to the bottles or contains. Stahlecker does not teach or suggest the capping head device recited in claim 1.

More specifically, in the rejection, the Examiner contends that the holding device 20 of Stahlecker corresponds to the claimed casing and that activating rod 21 and its bearing 22 correspond to the claimed capping head. However, as noted above, according to claim 1, the

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capping head directly contacts the caps so as to apply the caps to the bottles or the containers.

Thus, the activating rod 21 and the insulating bearing 22 of Stahlecker clearly do not correspond to the claimed capping head. Instead, these elements are used to drive the holding device 20 which contacts the closing element 6.

If at all, it is the holding device 20 of Stahlecker which corresponds to the claimed capping head. However, claim 1 also recites that the capping head is disposed within a casing having an end mouth which is designed to fit on the bottle or container so as to define a closed chamber therein to which vacuum is applied. Clearly, the holding device 20 cannot correspond both to the claimed casing and the claimed capping head. Accordingly, it is submitted that independent claim 1 patentably distinguishes over Stahlecker.

In addition, Applicants have added dependent claim 17 which directly depends from claim 1 and recites that an exterior of the bottle or container of the casing is outside said chamber and not subjected to said vacuum when said casing engages with a bottle or container. This is shown, for example, in the right portion of Figure 2 where it can be seen that the majority of the bottle or container B is disposed below the casing such that the exterior of this portion of the bottle is not subjected to a vacuum. In contrast, the entire bottle in Stahlecker, being disposed within the vacuum chamber 8, is subjected to the vacuum.

Applicant also submits that new independent claim 11 is likewise patentable over Stahlecker. Specifically, independent claim 11 recites a capping head for contacting and applying the cap to the container, a casing substantially surrounding the capping head and defining a chamber therein, the casing being movable relative to the container from a first

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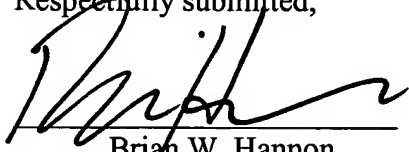
position displaced from the container to a second position at which a bottom end portion of the casing contacts the container and means for applying a vacuum to the chamber. According to claim 11, the vacuum is applied at least when the casing is in the second position to create a vacuum inside the container wherein an exterior of the container below the casing is outside the chamber and not subjected to said vacuum. As noted above, Stahlecker does not teach or suggest this aspect of the invention. Still further, dependent claim 12 recites that the capping head is coupled to the casing. This feature is not taught or suggested in Stahlecker. Finally, claims 9 and 14, which respectively depend from claims 1 and 11, recite the presence of a sealing ring on the casing. This feature is likewise not taught or suggested by the prior art.

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. It is therefore respectfully requested that the application be passed to issue at the earliest possible convenience. In the event that the Examiner feels otherwise, this is a formal request for an interview on behalf of the Applicant.

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